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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2140 OF 2005

Mahadeo @ Mahadevayya Shivrudrayya Swami — Appellant

versus

Vaishali Mahadeo @ Mahadevayya Swami — Respondent

Mr.A.G.Toraskar for appellant.
Mr.A.B.Tajane for respondents.

CORAM : A.S.OKA, J.

DATE : 07th February 2007

PC :

1. Heard learned advocates appearing for the parties. The appellant-husband has preferred this appeal for challenging the judgement and decree dated 12th April 2004 passed by the learned Ad-hoc Additional District Judge, Solapur by which the marriage between the appellant and the respondent has been dissolved. The appellant has been directed to pay permanent alimony @ Rs.1,000/- per month from the date of decree.

2. The learned advocate appearing for the

appellant stated that the appellant has remarried after preferring this appeal and, therefore, he has is not challenging that part of the decree by which the marriage between the appellant and the respondent has been dissolved. He states that he has confined his challenge to the decree directing him to pay the permanent alimony @ Rs.1,000/- per month.

3. The appellant submitted that the respondent has taken agency of LIC of India and he has no permanent income. Therefore, the Court was not justified in passing the decree for payment of permanent alimony.

4. I have considered these submissions. The learned Trial Judge has considered the documentary evidence in the form of Exhibit-61 which shows that at the relevant time the appellant was the owner of an industry and he had a share in the land bearing Gat No.27/A. On the basis of evidence on record, the learned Judge found that apart from the aforesaid assets, the monthly income of the appellant was Rs.2,000/-. Considering this evidence on record, he has fixed the amount of Rs.1,000/- per month. On the basis of material available before the learned Trial

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Judge, the quantum of maintenance fixed by the learned Trial Judge cannot be said to be excessive. In case there is any change in the circumstances after the decree is passed, a remedy is always open to the appellant under sub section 2 of section 25 of the Hindu Marriage Act, 1955.

5. No case is made out for interference in the impugned decree. Subject to what is observed earlier, the appeal is dismissed with no order as to costs.

(A.S.OKA, J.)